

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL A JACKSON,

Petitioner,

10

KEVIN G RINGUS,

### Respondent.

**CASE NO. C13-5582 RBL-JRC**

## REPORT AND RECOMMENDATION

NOTED FOR:  
NOVEMBER 29, 2013

The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state misdemeanor conviction. Thus, the petition is filed pursuant to 28 U.S.C. § 2254.

The Court recommends dismissing this petition without prejudice based on petitioner's failure to provide the Court with a current address, failure to prosecute the action, and failure to comply with a Court order.

On July 29, 2013, the Court ordered petitioner to file an amended petition (ECF No. 5). The Court gave petitioner until August 30, 2013 to comply with that order. On August 13, 2013

1 the post office returned the order as undeliverable because Mr. Jackson was no longer living at  
2 the address provided to the court (ECF No. 6).

3 It has been more than sixty days since the post office returned mail addressed to  
4 petitioner. Local Rule 41(b)(2) states:

5 A party proceeding pro se shall keep the court and opposing parties advised as to  
6 his or her current mailing address and, if electronically filing or receiving notices  
7 electronically, his or her current email address. If mail directed to a pro se  
8 plaintiff by the clerk is returned by the Postal Service, or if email is returned by  
9 the internet service provider, and if such plaintiff fails to notify the court and  
10 opposing parties within 60 days thereafter of his or her current mailing or email  
11 address, the court may dismiss the action without prejudice for failure to  
12 prosecute.

13 Petitioner has failed to keep the Court informed of a current address and failed to  
14 prosecute this action. Further, petitioner has failed to comply with the Court's order to amend the  
15 petition. The Court, therefore, recommends dismissal of this petition without prejudice.

16 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have  
17 fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.  
18 6. Failure to file objections will result in a waiver of those objections for purposes of de novo  
19 review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit  
20 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on  
21 November 29, 2013, as noted in the caption.

22 Dated this 5<sup>th</sup> day of November, 2013.

23  
24 

25 J. Richard Creatura  
26 United States Magistrate Judge